

Serial No. 09/332,803
Amdt. dated August 20, 2004
Reply to the Office Action of May 20, 2004

REMARKS

The Office Action of May 20, 2004, has been received and reviewed. Claims 16, 72, 74, 75, 77, 79, 82 and 86-88 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wickham *et al.* Claims 16, 72, 74, 75, 79-82 and 86-88 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Armentano *et al.* Claims 16, 72, 74, 75, 79-80, 83 and 86-88 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Roy. Claim 85 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking sufficient written description. Claims 16, 74, 75, 77, 79, and 85-88 have been canceled without prejudice or disclaimer.

Claims 17 and 73 are allowed. Claims 76, 78, 84 and 89 are objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form.

Claims 17, 72, 73, 76, 78, 80-84, and 89 are currently pending and should be in condition for allowance. Reconsideration is respectfully requested.

Rejections under 35 U.S.C. § 102(b):

Claims 16, 72, 74, 75, 77, 79, 82 and 86-88 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wickham *et al.* Claims 16, 72, 74, 75, 79-82 and 86-88 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Armentano *et al.* Claims 16, 72, 74, 75, 79, 80, 83 and 86-88 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Roy. Claims 16, 74, 75, 77, 79, and 85-88 have been canceled without prejudice or disclaimer, thereby mooting the rejection of these claims. Hence, only claims 72, and 80-83 are subject to one or more of the rejections.

Claim 72 has been amended to include the recitation "wherein said welding together is performed in a cell as deposited at the ECACC under number 96022940", which is not disclosed by Wickham *et al.*, Armentano *et al.* and/or Roy. In addition, this element is the same element as present in claim 76, which has been found allowable by the examiner, and hence it is submitted that claim 72 should be allowable for the same reasons.

Claim 89 is indicated to be allowable if rewritten in independent form, including all of

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the elements of the base claim and any intervening claims. Claim 89 has been rewritten in independent form as suggested by the Examiner. Therefore, claim 89 is allowable. Claims 80-83 have been amended to depend from claim 89. Therefore, amended claims 80-83 depend from an allowable claim and should be allowable for at least the same reasons. Reconsideration and withdrawal of the rejections are respectfully requested.

Rejection under 35 U.S.C. § 112, first paragraph:

Claim 85 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking sufficient written description. Claim 85 has been canceled without prejudice or disclaimer, thereby mooting the rejection.

Allowed and allowable claims:

Claims 17 and 73 are allowed. Claims 76, 78, 84 and 89 are objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form (Page 6 of the Office Action). Claims 76 and 89 have been rewritten in independent form as suggested by the Examiner. Claims 76 and 89 now recite "wherein said welding together is performed in a cell as deposited at the ECACC under number 96022940", wherein ECACC deposite number 96022940 is a mammalian cell. Thus claims 76 and 89 are indicated to be allowable. Claims 78 and 84 have been amended to depend from allowable claims 76 and 89, respectively, and should be allowable for at least the same reasons as the independent claims. Therefore, claims 76, 78, 84 and 89 should be allowable, as expressly indicated by the Examiner (Page 6 of the Office Action).

CONCLUSION

Claims 17 and 73 are allowed. Claims 76, 78, 84 and 89 have been amended as suggested by the Examiner to place them in condition for allowance (*see*, Page 6 of the Office Action). Claim 72 has been amended such that it should be allowable for at least the same reasons claim 76 has been found allowable. Claims 80-83 have been amended to depend from

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allowable independent claims and should be allowable for at least the same reasons the independent claims are allowable. Hence, claims 17, 72, 73, 76, 78, 80-84, and 89 should be in condition for allowance.

Early notice of allowance is respectfully requested. Should the Examiner have any questions after entry of the amendments and consideration of the remarks herein that may be resolved by a telephone interview, he is kindly requested to contact the applicants' representative at the number provided herein.

Respectfully submitted,



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